

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT FOR PLANNING  
APPLICATION PA01-0073**

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**DATE:** October 11, 2001

**TO:** Orange County Zoning Administrator

**FROM:** Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA01-0073 for Site  
Development Permit

**PROPOSAL:** Planning Application PA 01-0073 is a request for an off-street parking  
modification for the operation of an approved Childcare facility,  
consisting of 156 students and 22 staff members.

**LOCATION:** 28672 Deerpath, Las Flores – (District 5)

**APPLICANT:** Lamorinda Development – Property Owner  
Kelly Buffa, Development Planning Solutions – Agent

**STAFF CONTACT:** Chad Brown, Project Manager  
Phone: (714) 834-5159 FAX: (714) 834-4652

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator  
approval of PA 01-0073 subject to findings and conditions.

**BACKGROUND:**

On December 29, 2000 Planning and Development Services Department administratively approved a Site Development Permit, Planning Application PA 00-0124, to allow the development and operation of a 156 student child-care facility that will be located in Planning Area 4 of Las Flores Planned Community (PC).

Day care is considered a community facility under the Las Flores Planned Community regulations. Further, through approval of Area Plan Amendment AP91-05 this site was designated as a potential child-care facility location. The Area Plan was last updated in June 1998 by approval of AP 98-0075, which retained this site as a future child-care site. PA 00-0124 approved construction and operation of a single 8,309 square foot building that would include seven classrooms, a foyer and lobby, mechanical equipment areas and two separate playgrounds. The outdoor play areas are fully fenced for security purposes. Maximum enrollment was approved for 156 children and there was expected to be only 12 staff members.

However, because the surrounding community demographics indicate that the age of children anticipated to attend the facility will vary widely, and may tend to include a higher number of younger children than originally anticipated, the state mandated staff levels are expected to exceed the originally proposed number of 12. It is this change in the facility operation and required staffing levels that is the motivation for this request for an off-street parking modification.

The current application, PA 01-0073 requests approval of an off-street parking modification that would permit the approved 28 off-street parking spaces to accommodate operation of the childcare facility with

156 children and 22 staff members. There are no other modifications proposed to the facility or the project development approval.

### **SURROUNDING LAND USE:**

The project is located at the southeast corner of Antonio Parkway and Deerpath in the Las Flores PC. Access to the site is from a driveway on Deerpath. There are existing single-family homes located above the site to the east, which are separated from the site by landscape slopes. The landscape slopes continue to the south towards Antonio Parkway. To the west across Antonio Parkway is the headquarters of the Santa Margarita Water District. To the north is a Latter Day Saints Church that is under construction and will also use Deerpath for secondary church access. The following table provides the surrounding zoning and land use information:

Direction	Zoning	Existing Land Use
Project Site	Las Flores PC	Vacant, Approved Childcare Facility
North	Las Flores PC	LDS Church (under construction)
South	Las Flores PC	Open Space
East	Las Flores PC	Existing Single-Family Residential
West	Las Flores PC	Santa Margarita Water District Headquarters

### **REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and at 10 Civic Center Plaza, as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions. Staff has received a letter of support for the project from the master developer of Las Flores, Vintage Communities, Exhibit 3.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff.

It should be noted that Ordinance 3881, adopted 3-23-93 amended many of the Planned Community Text Regulations, including Las Flores PC, to allow the Zoning Administrator to act as decision-making authority for a majority of discretionary applications, including exceptions to, or modifications of, the off-street parking regulations. Therefore, this application has been prepared for the review and decision of the Zoning Administrator in accordance with Public Hearing requirements and procedures.

### **CEQA COMPLIANCE:**

The proposed project is Categorically Exempt (Class 22) from CEQA per Section 15322 of the CEQA Guidelines. The project involves only the consideration of student ages and staff numbers and involves no physical alteration in the project area.

### **DISCUSSION/ANALYSIS:**

PA 00-0124 approved construction and operation of a single 8,309 square foot building that would include seven classrooms, a foyer and lobby, mechanical equipment areas and two separate playgrounds. The outdoor play areas are fully fenced for security purposes.

Parking on the site is limited due to the building site's limited size and the surrounding limiting topography. Based upon the approved Site Development Permit (PA00-0124) 28 off-street parking spaces are adequate to comply with the requirements of the Off-Street Parking Regulations of the Planned Community Text and Zoning Code regulations.

However, upon further review by the operator of the childcare facility, it is recognized by the operator that the facility will require more than 12 staff members to care for the children that are anticipated from the community. The anticipated mix of children and increased staff levels has temporarily halted the applicant's development intentions until evaluation of a parking modification has been completed. The applicant proposes 22 staff members to accommodate the expected age-mix of 156 children that will be utilizing the facility. The project's parking requirement for the proposed number of staff would be 15 spaces, and 20 spaces for parent pick-up/drop-off parking, for a total of 35 spaces. The project site provides room for only 28 spaces, a deficit of 7 spaces or 20% of the required parking.

There are several common characteristics of day care centers, regardless of the operator or the location. First, unlike schools, childcare facilities do not have a relatively constant number of students and staff members throughout the day. Early in the morning perhaps two staff members arrive to open the center and receive the first children. Throughout the morning additional staff arrives, as the number of children increases. The peak period of activity is in the afternoon, after school hours. This is because most children who are enrolled in a before-and-after school program do not attend before school, only after school. In the late afternoon as children are picked up, staff members also begin to leave, so that by the end of the day there may be only two staff members again. Day care centers, unlike schools, are staffed to meet the demand based on attendance, not maximum enrollment. As attendance varies throughout the day, staffing levels fluctuate.

Childcare centers must comply with a variety of state regulations including teacher/student and adult/child ratios. These ratios determine the number of children who may be present in day care center; The State of California Manual of policies and Procedures for Child Care Centers (Title 22, Division 12, Chapter 1) identifies the following requirements:

- Infants – 1 adult per 3 children up to 18 months old
- Toddlers – 1 adult per 4 children between 18 and 36 months old
- Pre-school – 1 adult per 8 children between 36 months old and enrollment in kindergarten
- School age – 1 adult per 14 children enrolled in kindergarten or older

These ratios are calculated on actual attendance, not enrollment or maximum capacity. The facility in Las Flores has been designed to accommodate 22 staff members and 156 children, broken down as 32 toddlers, 72 pre-school children and 52 school age children. These numbers may be shifted slightly to accommodate enrollment patterns, but are generally the maximum number of children served. There are no plans to meet the staffing ratio for infant care as required by the state's policy manual.

Commonly day care centers have many empty parking spaces throughout much of the day. During the morning drop-off and evening pick-up peak times all parking may be used. However, in discussing peak times the following characteristics could be assumed. As an average, 1.3 children come from the same

household; and, each pick-up or drop-off requires that the parent park for approximately 10 minutes to sign the child in or out of the facility.

The morning peak hour is between 6:30 and 7:30 AM. During this period approximately 40% of the children arrive, as does approximately half of the staff. For this proposed center, that would mean approximately 63 children and 11 staff members. Per the ratio established by the O.C. Zoning Code (two spaces for every three staff members), staff would use 8 parking spaces and the remaining 20 would be available for parents. If the assumption is made that almost every child is dropped off-separately, since some siblings may not attend day care until after school, with 20 spaces available and approximately 60 cars needing spaces for ten minutes each, each space would be used six times during this one hour period.

The evening peak is spread out over a longer period of time, beginning around 3:30 PM and lasting until the center closes until 6:30 PM. However, attendance is higher during the afternoon than the morning because of the after school program enrollment. If you assume that this center is one of the operator's most successful centers, and operates at 90% capacity, there would be 22 staff members and 141 children. During the afternoon it is reasonable to assume that siblings will be picked up together, bringing the ratio back to 1.3 children per pick-up trip. 22 staff members would occupy 15 parking spaces, leaving 13 spaces for parental pick-up. 141 children divided by 1.3 children per trip translates to 109 pick-ups. Each parking space would be used between 8 and 9 times during the three-hour afternoon peak to accommodate the demand. Certainly there could be some stacking within the parking lot if a group of parents all arrive simultaneously, but this would not be unusual at a day care center.

If stacking were to occur, it should be noted that Deerpath serves only the project site and the LDS Church under construction. Therefore, during peak pick-up and drop-off times that vehicles may maximize site parking, stacking that may occur off-site would not directly affect Antonio Parkway. Additionally, a condition of approval has been drafted that requires the operator to inform and direct its staff of carpool options and incentives. Additionally, the condition would prohibit employees from parking directly adjacent to the facility building entrance, minimizing the length of stay for each parent to occupy a parking stall. The following condition has been discussed with the facility operator to assist to reduce staff parking demand and to reduce the proposed parking modification:

*Prior to the issuance of certificates of use and occupancy, the day care facility operator will implement an employee ridesharing program on an ongoing basis in an effort to reduce the number of employee vehicles in the site's parking lot and to avoid unnecessary congestion on the public streets surrounding the site, in a manner meeting the satisfaction of the Manager, Current Planning Services Division in consultation with the Manager, Subdivision and Grading Services Division (Traffic Review Section). This program will include components such as:*

- *Employee education regarding the benefits of ridesharing;*
- *Employer shall provide information regarding local mass transit service, providing ridesharing information to employees such as the locations of nearby park and ride facilities, and notifying employees who live near each other of the potential for ridesharing; and,*
- *Employer agrees to providing preferential parking for employees who carpool; and,*
- *Employer shall prohibit staff members from parking in any parking spaces adjacent to the facility main entrance.*

Most of the day only staff uses the parking lot and at fluctuating levels. The operator has expressed the willingness to accept the condition of approval above that is designed to reduce staff demand for parking through information and incentives programs. Deerpath, the access street, provides approximately 200 additional feet of stacking without affecting Antonio Parkway. The site is planned and approved as a childcare facility to serve the local community of Las Flores and the community is in support of granting this requested parking modification. Therefore, staff recommends Zoning Administrator approval of this planning application, PA 01-0073.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 01-0073 for off-street parking modification for the operation of a child-care facility consisting of 156 students and 22 staff members, subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad Brown, Chief,  
Site Planning Section / CPSD

**ATTACHMENTS:**

- Appendix A. Recommended Findings
- Appendix B. Recommended Conditions of Approval

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Parking Summary Letter
3. Vintage Communities Letter, dated 8-8-01
4. Project Site Plan

**APPEAL PROCEDURE**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.